



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 28, 1995

Mr. Robert J. Gervais
Assistant City Attorney
City of Galveston
P.O. Box 779
Galveston, Texas 77553-0779

OR95-857

Dear Mr. Gervais:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request an identification number, ID# 32578.

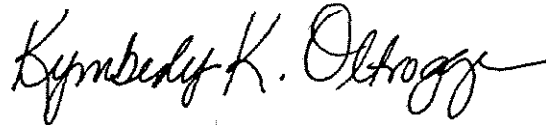
The City of Galveston (the "city") has received a request for tapes or transcripts of police dispatch calls over radio or computer concerning certain specified incidents on March 6, 10, and 11, 1995. You believe the city may withhold the requested information pursuant to section 552.103 of the Government Code. We agree.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. See Open Records Decision No. 551 (1990) at 4. You have demonstrated that the requested information relates to a pending lawsuit, *A & A Wrecker Service, Inc. v. City of Galveston*, No. G-95-111 (S.D. Tex. filed Mar. 1, 1995). Consequently, section 552.103 authorizes the city to withhold the requested information.

In reaching this conclusion, we assume that the opposing parties in this litigation previously have not accessed the records at issue. Absent special circumstances, once all parties to litigation have obtained the information, e.g., through discovery or otherwise, the city has no section 552.103(a) interest to justify withholding that information. See Open Records Decision Nos. 349 (1982) at 2, 320 (1982) at 1. Additionally, section 552.103(a) is inapplicable once the litigation has concluded. Attorney General Opinion MW-575 (1982) at 2; Open Records Decision No. 350 (1982) at 3.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 of the Government Code regarding any other records. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, reading "Kimberly K. Oltrogge". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kimberly K. Oltrogge
Assistant Attorney General
Open Government Section

KKO/RHS/rho

Ref.: ID# 32578

Enclosures: Submitted documents

cc: A & A Wrecker Service, Inc.
2117 65th
Galveston, Texas 77551
(w/o enclosures)